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N/A Appeal + AF/8
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PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Rubido, et al.	Examiner:	Shanon A. Foley
Serial No.:	09/857,402	Group Art Unit:	1648
Filed:	September 17, 2001	Docket:	976-11 PCT/US
For:	PREPARATIONS CONTAINING VIRUS-LIKE PARTICLES AS IMMUNOPOTENTIATORS ADMINISTERED THROUGH THE MUCOSA	Dated:	November 4, 2002

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Box AF
Commissioner for Patents
Washington, DC 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board from the decision of the Primary Examiner,
Mailed June 18, 2002, finally rejecting Claims 11-14, 20, 21 and 28-30.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of
☐ other than a small entity.
☒ small entity.

A verified statement claiming small entity status
☐ is attached.
☒ was already filed on September 14, 2001

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

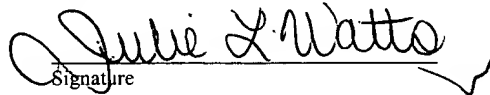
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ Deposited with the United States Postal Service with sufficient
postage as first class mail in an envelope addressed to the
Commissioner for Patents, Washington, DC 20231

FACSIMILE

☐ Transmitted by facsimile to the
Patent and Trademark Office


Signature

Date: November 4, 2002

Julie L. Watts

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01 FC:2401
02 FC:2252

160.00 OP
200.00 OP

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e), the fee for filing the Notice of Appeal is:

<input checked="" type="checkbox"/>	small entity	\$160.00
<input type="checkbox"/>	other than small entity	\$320.00

Notice of Appeal fee due **\$160.00**

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (A) or (B), as applicable)

(A) ☒ Applicants petition for an extension of time under 37 CFR 1.136 for the total number of months checked below (fees: 37 CFR 1.17(a)-(d)):

	Extension (months)	Fee for Other than Small Entity	Fee for Small Entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/>	two months	\$ 400.00	\$200.00
<input type="checkbox"/>	three months	\$ 920.00	\$460.00
<input type="checkbox"/>	four months	\$1,440.00	\$720.00

Fee due for indicated extension **\$200.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

☐ An extension for ___ month has already been secured. The fee paid therefor of \$ ___ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$200.00**

(B) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ <u>160.00</u>
Extension fee (if any)	\$ <u>200.00</u>

TOTAL FEE DUE **\$ 360.00**

5. FEE PAYMENT

☒ Attached is a check in the sum of \$360.00

☐ Charge Account No. ___ the sum of \$_____

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

☒ If any additional extension and/or fee is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

AND/OR

☒ If any additional fee for claims is required or any overpayment has been made, please charge our Deposit Account No. **08-2461** or credit our Deposit Account for such sum.

Respectfully submitted,



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